

150 YEARS OF LOOKING AHEAD
HARRIS BEACH
ATTORNEYS AT LAW

**Application Granted
SO ORDERED**

August 10, 2006

Brooklyn, New York
Dated: AUG 21 2006

/s/ Hon. Eric Vitaliano

Via First Class Mail and ECF

Eric N. Vitaliano

United States District Judge

Hon. Eric N. Vitaliano
United States District Judge
United States District Court
Eastern District of New York
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Brooklyn, New York 11201

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ **AUG 23 2006** ★

Re: *Russell v. Science Applications International Corporation, et al.*
Docket No.: 06 CV 2629
Our Matter No.: 222363

Dear Judge Vitaliano:

This office, along with McKenna Long & Aldridge LLP, represents defendant, Science Applications International Corporation ("SAIC"). This action has been referred for court-annexed arbitration pursuant to Local Civil Rule 83.10. The parties have conferred and jointly request that this action be removed from the court's arbitration docket for the following reasons.

Plaintiff alleges to have contracted a deadly form of blood cancer, multiple myeloma, as a result of exposure to radiation while operating a Vehicle and Cargo Inspection System manufactured by SAIC during the course of his employment as a Customs Officer for U.S. Customs. As such, plaintiff is seeking money damages well in excess of \$150,000, the maximum for which cases are eligible for compulsory arbitration.

In addition, this case clearly presents complex and novel issues, including issues of scientific evidence and the application of the government contractor defense that cannot be properly addressed in arbitration at this time.

For the foregoing reasons, it is highly unlikely that a resolution of this matter would be achieved through this arbitration process. Accordingly, the parties respectfully request that this matter be removed from the arbitration docket.

Respectfully submitted,

/s/ Steven A. Stadtmauer

Steven A. Stadtmauer

SAS:fja/206973

Honorable Eric N. Vitaliano
United States District Judge
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